

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ANDRE P. LESTER,)
)
Plaintiff,)
)
) No. 3:23-cv-01271
v.)
) Judge Eli J. Richardson
ALEJANDRO N. MAYORKAS,) Magistrate Judge Jeffery S. Frensley
)
Defendant.)

DENIAL OF MOTION FOR ENTRY OF DEFAULT

Pending is Plaintiff's Motion for Entry of Default by Clerk against the U.S. Secretary of Homeland Security, Alejandro N. Mayorkas. (Doc. No. 5). For the following reasons Plaintiff's Motion is **DENIED** without prejudice.

Plaintiff filed this action on December 4, 2023. (Doc. No. 1). Summons was issued as to the United States Attorney's Office, the United States Attorney General, and Secretary Mayorkas on December 13, 2023. (Doc. No. 4). Plaintiff filed the pending Motion for Entry of Default on March 5, 2024. (Doc. No. 5). On April 22, 2024, Plaintiff filed a Motion for Extension of Time to Effectuate Service of Process, in which he outlines his communications with the U.S. Marshal Service regarding service of process. (Doc. No. 6).

Pursuant to Local Rule 55.01, motions for entry of default must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying, among other things, proof of service. L.R. 55.01. Upon review of the Motion and the record as a whole, the Clerk finds that Plaintiff has not submitted the required declaration and cannot yet verify proof of service sufficient to satisfy Local Rule 55.01(i).

As a result, Plaintiff's Motion for Entry of Default by Clerk (Doc. No. 5) is **DENIED** without prejudice.

s/ Lynda M. Hill
Lynda M. Hill
Clerk of Court